

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :

Cristian M. NECULESCU, et al. : Examiner: Mark EASHOO

U.S. Serial No. 10/815,791 : Group Art Unit: 1732

Filed April 2, 2004 :

Docket No. 11934-P1D1D1 :

For: DISPOSABLE FOOD CONTACT :
COMPATIBLE MICROWAVEABLE :
CONTAINERS HAVING AT LEAST ONE :
MICRONODULAR SURFACE AND :
PROCESS FOR THEIR MANUFACTURE :

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Owner, Dixie Consumer Products LLC, of the entire interest of the subject patent application recorded at Reel/Frame 008956/0167, 009169/0015, 009099/0458 and 01883/0749 hereby disclaims, except as provided below, the terminal part of the statutory term of U.S. Patents: 6,719,943; 6,403,936 and 6,100,512 (the “ ‘943, ‘936 and ‘512 patents”), which would extend beyond the expiration date of the full statutory term defined of the ‘943, ‘936 and ‘512 patents in 35 U.S.C. §§154 to 156 of U.S. Patent. The ‘943 patent is fully owned by Dixie Consumer Products LLC, as shown by the assignments recorded at Reel/Frame 008956/0167, 009169/0015, 009099/0458 and 01883/0749. The ‘936 patent is fully owned by Dixie Consumer Products LLC, as shown by the assignments recorded at Reel/Frame 009972/0792 and 01883/0749. The ‘512 patent is fully owned by Dixie Consumer Products LLC, as shown by the


assignments recorded at Reel/Frame 008684/0336 and 01883/0749. The Owner hereby agrees that the subject patents (and any patent(s) issuing therefrom) shall be enforceable only for and during such period that it and the '943, '936 and '512 patents are commonly owned. This agreement runs with the subject patents and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the subject patents that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 of the '943, '936 and '512 patents in the event that the '943, '936 and '512 patents: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned is an Officer and registered patent attorney of record on behalf of Dixie Consumer Products LLC.

The Commissioner is authorized to debit the fee for this submission in the amount of \$130.00 from Deposit Account No. 50-0674. If any additional fees are required, please debit our Deposit Account No. 50-0674, accordingly.

Respectfully Submitted,



Jacqueline M. Hutter

Assistant Secretary, Dixie Consumer Products LLC
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Dated: 8/1/2007